



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FF

### Introduction and Preliminary Matter

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlord applied for an order ending the tenancy earlier than the tenancy would end if a notice to end the tenancy were given under section 47 of the Act and for recovery of the filing fee paid for this application

The landlord attended; the tenant did not attend the telephone conference call hearing.

At the outset of the hearing, the landlord informed me that he served the tenant his application and notice of hearing by attaching the documents to the tenant's door on October 31, 2014. The landlord confirmed that the tenant had been arrested and taken away from the premises on October 28, 2014, and has not returned since that date. The landlord confirmed that he did not know the whereabouts of the tenant.

### Analysis and Conclusion

Section 89(2) of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the tenant in this case) by leaving it with the person, by sending a copy by registered mail to the address at which the person resides, by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant, or by attaching a copy to a door or other conspicuous place at the address at which the tenant resides.

In the case before me I find that the landlord failed to provide sufficient evidence that he served his application in a manner complying with the Act as the tenant no longer resided in the rental unit on the date the landlord served his application and there was an appearance the rental unit had been abandoned by the tenant.

I therefore find the landlord submitted insufficient evidence that he served the tenant his application for dispute resolution and notice of this hearing in a manner required by the *Act* and as a result, I dismiss the landlord's application, with leave to reapply.

Leave to reapply does not extend any applicable time limitation deadlines.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 21, 2014

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Residential Tenancy Branch

